



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

RESULTS OF MERRIMACK ZONING BOARD OF ADJUSTMENT

WEDNESDAY, MARCH 26, 2014

Members present: Fran L'Heureux, Patrick Dwyer, Phil Straight (arrived 7:15 p.m.), Tony Pellegrino (arrived 7:15 p.m. and left 9:38 p.m.), Kevin Shea, and Alternates Leonard Worster, Nathan Barry and Richard Conescu.

Staff present: Assistant Planner Donna Pohli and Recording Secretary Zina Jordan.

1. Call to Order.

Fran L'Heureux called the meeting to order at 7:00 p.m. and designated Leonard Worster and Nathan Barry to sit for Tony Pellegrino and Phil Straight respectively.

2. Roll Call.

Patrick Dwyer led the pledge of allegiance, Kevin Shea read the preamble and Fran L'Heureux swore in members of the public who would be testifying.

3. Sandford Surveying and Engineering, Inc. (petitioner) and Sean & Christine Frazier (owners) – Equitable Waiver of Dimensional Requirements under Section 3.02 of the Zoning Ordinance to allow an encroachment of a shed within the side setback to remain approximately 9.6 feet from the side property line whereas 30 feet is required. The parcel is located at 88 Lawrence Road within the R-1 (Residential) District. Tax Map 7B, Lot 016. Case # 2014-07.

Applicant was represented by: Raymond Shea, Sandford Surveying and Engineering, Inc., and Sean Frazier, 88 Lawrence Road.

There was no public comment.

The Board voted 5-0-0 to grant an Equitable Waiver, on a motion made by Patrick Dwyer and seconded by Nathan Barry.

Phil Straight and Tony Pellegrino arrived at 7:15 p.m., and requested that their designees continue voting for the rest of the meeting.

4. Sandford Surveying and Engineering, Inc. (petitioner) and Sean & Christine Frazier (owners) – Variance under Section 3.02 of the Zoning Ordinance to allow an Accessory Dwelling Unit (ADU) 20.5 feet from the side property line whereas 30 feet is required. The parcel is located at 88 Lawrence Road within the R-1 (Residential) District. Tax Map 7B, Lot 016. Case # 2014-08.

Applicant was represented by: Raymond Shea, Sandford Surveying and Engineering, Inc.

There was no public comment.

The Board voted 5-0-0 to grant a Variance with one condition, on a motion made by Kevin Shea and seconded by Nathan Barry.

- 5. Sandford Surveying and Engineering, Inc. (petitioner) and Sean & Christine Frazier (owners)** – Special Exception under Section 2.02.1(B)(2) of the Zoning Ordinance to allow an Accessory Dwelling Unit (ADU) in the R-1 (Residential) District. The parcel is located at 88 Lawrence Road. Tax Map 7B, Lot 016. Case # 2014-09.

Applicant was represented by: Raymond Shea, Sandford Surveying and Engineering, Inc.

There was no public comment.

The Board voted 5-0-0 to grant a Special Exception, with conditions, on a motion made by Nathan Barry and seconded by Patrick Dwyer.

Item 9, Tomasian Drive, was taken up before Item 6, SMC Management Corporation.

- 9. Tomasian Drive, LLC. (Petitioner) and The Stephanie Tomasian Revocable Trust of 2001 (owner)** – Variance under Section 3.08.2 of the Zoning Ordinance to allow a cluster development in the R-1 (Residential) District and a Variance under Section 3.08.8 to allow the subdivision to be served by individual septic systems. The parcel is located at 10 Tomasian Drive. Tax Map 4B, Lot 009-1. Case # 2014-13.

Applicant was represented by: Ken Clinton, Meridian Land Services, Inc.

Public comment was received from: Pete Gagnon, 130 Bedford Road.

The Board voted 5-0-0 to grant a variance to allow a cluster development, with one condition, on a motion made by Kevin Shea and seconded by Leonard Worster.

The Board voted 5-0-0 to grant a variance to allow the subdivision to be served by individual septic systems with conditions, on a motion made by Kevin Shea and seconded by Leonard Worster.

- 6. SMC Management Corporation (petitioner) and New Stream RE Funding 17, LLC. (owner)** – Special Exception under Section 2.02.3(C)(1)(b) of the Zoning Ordinance to allow a multi-family residential use in the C-2 (General Commercial) and Aquifer Conservation Districts. The parcel is located at 4 Executive Park Drive. Tax Map 4D, Lot 076. Case # 2014-10.

Applicant was represented by: Attorney Roy Tilsley, Bernstein Shur; Steven Keach, Keach-Nordstrom Associates, Inc.; and John Halvorsen, SMC Management Corporation.

Public comment was received from: Finlay Rothhaus, 14 Kittredge Lane; and Pete Gagnon, 130 Bedford Road.

A motion to grant a Special Exception, with conditions, failed by a vote of 2-3-0, on a motion made by Kevin Shea and seconded by Leonard Worster. Fran L'Heureux, Patrick Dwyer and Nathan Barry voted in the negative.

The Board voted 3-2-0 to deny a Special Exception, on a motion made by Nathan Barry and seconded by Patrick Dwyer. Kevin Shea and Leonard Worster voted in the negative.

Tony Pellegriono left at 9:38 p.m.

- 7. SMC Management Corporation (petitioner) and New Stream RE Funding 17, LLC. (owner)** – Variance under Section 3.02 Note 2 of the Zoning Ordinance to allow a multi-family residence which must have public water and public sewerage, west of the F.E. Everett Turnpike whereas Note 2 limits multi-family housing to those areas east of the F.E. Everett Turnpike. The parcel is located at 4 Executive Park Drive in the C-2 (General Commercial) and Aquifer Conservation Districts. Tax Map 4D, Lot 076. Case #2014-11.

At the Petitioner's request, the Board tabled this item without prejudice.

- 8. SMC Management Corporation (petitioner) and New Stream RE Funding 17, LLC. (owner)** – Variance under Section 3.02 of the Zoning Ordinance to allow the construction of multi-family residential apartments with a total density of 14.27 units per acre whereas 1 unit per 40,000 square feet is permitted. The parcel is located at 4 Executive Park Drive in the C-2 (General Commercial) and Aquifer Conservation Districts. Tax Map 4D, Lot 076. Case # 2014-12.

At the Petitioner's request, the Board tabled this item without prejudice.

- 10. Discussion/possible action regarding other items of concern.**

Discussion only.

- 11. Approval of Minutes – February 26, 2014.**

The minutes of February 26, 2014, were approved, by a vote of 5-0-0, on a motion made by Patrick Dwyer and seconded by Kevin Shea.

- 12. Adjourn.**

The meeting adjourned at 9:40 p.m., by a vote of 5-0-0, on a motion made by Kevin Shea and seconded by Nathan Barry.